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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Levent M. Arslan

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23494 7590 08/10/2010
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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2626

NOTIFICATION DATE

DELIVERY MODE

08/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-11 are directed to a mathematical calculation which does not fall into one of the enumerated four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

Claims 1-11 are not directed toward:

1) a process/method (nothing is processed/transformed, the claims are toward the calculation of noise measurements; a statutory "process" under 35 USC 101 must (a) be tied to another statutory category (such as a manufacture or a machine), or (b) transform underlying subject matter (such as an article or material) to a different state or thing.

Claims 1-11 neither transform underlying subject matter nor positively recite structure associated with another statutory category, and therefore do not define a statutory process. 2) a machine i) there are no claim elements towards an appropriate apparatus,

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e.g. the elements of a device that would perform the claim steps. 3) a manufacture (no claim elements pertain to an output product nor a 4) a composition of matter

Allowable Subject Matter

3. Claims 1-11 are allowable over the prior art of record. Examiner notes that in the preamble of claim 4, the phrase “if noisy” has been interpreted as “of noisy”. Correction in required.

Response to Arguments

4. Applicant's arguments filed 7/9/2010 have been fully considered but they are not persuasive. As per applicants arguments against the 35 U.S.C. 101 rejection, examiner argues that although other tests are considered in the evaluation of 35 U.S.C. 101, the claims still fail the means/transformation test, as well as other stated tests. As an example, applicants argue that each frame (which is a numerical representation of a portion of a data stream) has various mathematical formulas applied to the frame to perform the filtering, of audio/speech signals, and that this tie-in is enough consideration to overcome the 35 U.S.C 101 rejection. Examiner disagrees and argues that the claims are directed to a method which performs a mathematical calculations on speech/audio information, where the claims do not perform an underlying transformation of the underlying state to a different state or thing. If the acts of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter (Benson, 409 U.S. at 71-

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72, 175, USPQ at 676). Furthermore, claims define nonstatutory processes if they simply manipulate abstract ideas (Warmerdam, 33 F.3d at 1360,31 USPQ2d at 1759).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/
Primary Examiner, Art Unit 2626
8/5/2010